



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,475	06/20/2001	Jeffrey A. Bedell	53470.003013	9579

21967 7590 07/14/2008
HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

EXAMINER

SMITHERS, MATTHEW

ART UNIT	PAPER NUMBER
----------	--------------

2137

MAIL DATE	DELIVERY MODE
-----------	---------------

07/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/884,475	Applicant(s) BEDELL ET AL.	
	Examiner Matthew B. Smithers	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 12-15 and 17-24 is/are rejected.
- 7) ☒ Claim(s) 7, 10, 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-10 and 12-24 have been considered but are moot in view of the new ground(s) of rejection.

The indicated allowability of claim 11 is withdrawn in view of the newly discovered reference(s) to US 6,662,203 granted to Kling et al. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8-9, 12-15, and 17-24 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,662,203 granted to Kling et al.

Regarding claim 1, Kling meets the claimed limitations as follows:

“A method of processing multiple incoming jobs in a reporting system, the method comprising the steps of:

assigning each incoming job a respective priority; and servicing each of the multiple

incoming jobs based on the respective priority assigned to each incoming job and on a non-random servicing scheme, wherein the servicing of each of the multiple incoming jobs includes scheduling each incoming job for servicing at a later time.” see Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Regarding claim 2, Kling meets the claimed limitations as follows:

“The method of claim 1, wherein the step of assigning each incoming job a priority is based on at least one attribute of each incoming job.” see Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Regarding claim 3, Kling meets the claimed limitations as follows:

“The method of claim 2, wherein the attribute of each incoming job is at least one of an assigned value of each incoming job, an estimated cost of each incoming job, a project to which each incoming job belongs, a requestor of each incoming job, and a group to which the requester of each incoming job belongs.” see Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Regarding claim 4, Kling meets the claimed limitations as follows:

“The method of claim 1, wherein each incoming job is one of a report or a request.” see Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Regarding claim 5, Kling meets the claimed limitations as follows:

“The method of claim 1, wherein the non-random servicing scheme effects processing of each incoming jobs based solely on the priority of each respective incoming job.” see

Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Regarding claim 6, Kling meets the claimed limitations as follows:

“The method of claim 1, wherein the non-random servicing scheme effects processing of the multiple incoming jobs based the priority of each respective incoming job and on a servicing formula.” see Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Regarding claim 8, Kling meets the claimed limitations as follows:

“The method of claim 6, wherein the servicing formula is a first in-first out formula.” see Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Regarding claim 9, Kling meets the claimed limitations as follows:

“The method of claim 6, wherein the servicing formula is overridden by an administrator.” see Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Regarding claim 12, Kling meets the claimed limitations as follows:

“The method of claim 1, further including the step of:
placing each incoming job into a selected queue, selected from a plurality of possible queues, based on the priority assigned to each incoming job; and the step of servicing each of the multiple incoming jobs is performed based on the selected queue into which t4ae-each incoming job is placed.” see Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Regarding claim 13, Kling meets the claimed limitations as follows:

“The method of claim 12, wherein assigning the priority to each incoming job is based on a priority function, the priority function determining a priority value based on a set of priority variables, the priority variables associated with each incoming job.” see Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Regarding claim 14, Kling meets the claimed limitations as follows:

“The method of claim 12, wherein the selected queue includes a plurality of sub-queues, and assigning a priority includes assigning a queue priority and a sub-queue priority; and the step of placing each incoming job into a selected queue includes placing each incoming job into a selected queue based on the queue priority and into a selected sub-queue, within such queue, based on the sub-queue priority.” see Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Regarding claim 15, Kling meets the claimed limitations as follows:

“The method of claim 12, wherein the non-random servicing scheme assigns threads to queues.” see Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Regarding claim 17, Kling meets the claimed limitations as follows:

“The method of claim 12, wherein the priority scheme is overridden by an administrator.” see Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Regarding claim 18, Kling meets the claimed limitations as follows:

“The method of claim 15, further including the step of moving the threads from one queue to a second queue based on the non-random servicing scheme.” see Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Regarding claim 19, Kling meets the claimed limitations as follows:

“A system for processing multiple incoming jobs in a reporting system, the system comprising:

a priority setting portion that assigns a priority to each incoming job; a service portion that processes each incoming job based on the priority assigned to each incoming job and on a non-random servicing scheme, wherein the service portion that processes each incoming job includes scheduling each incoming jobs for servicing, at a later time.” see Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Regarding claim 20, Kling meets the claimed limitations as follows:

“The system of claim 19, wherein the priority setting portion assigns the priority to each incoming job based on at least one attribute of each incoming job.” see Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Regarding claim 21, Kling meets the claimed limitations as follows:

“The system of claim 19, further including a queue placement portion that places each incoming job into a selected queue, selected from a plurality of possible queues, based

on the priority assigned to each incoming job; and the service portion processes each incoming job based on the queue into which each incoming job is placed.” see Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Regarding claim 22, Kling meets the claimed limitations as follows:

“A processor-readable medium comprising code for execution by a processor to prioritize and service jobs, that comprise one or more reports to be processed in a reporting system, the medium comprising:

code for assigning a priority to each incoming job; and code for processing each incoming job based on the priority assigned to each incoming job and a non-random servicing scheme, wherein the code for processing each incoming job includes scheduling each incoming job for servicing at a later time.” see Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Regarding claim 23, Kling meets the claimed limitations as follows:

“The medium of claim 22, wherein the code for assigning a priority to each incoming job uses at least one attribute of each incoming job.” see Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Regarding claim 24, Kling meets the claimed limitations as follows:

“The medium of claim 22, wherein the code for assigning a priority to each incoming job effects placement of each incoming job into a selected queue, which is selected from a plurality of queues, and the code for processing each incoming job processes each incoming job based on the selected queue into which each incoming job is placed.” see

Abstract; column 3, line 20 to column 4, line 23; column 5, line 31 to column 8, line 31 and Figures 1, 3, 4 and 5.

Allowable Subject Matter

Claims 7, 10, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claim 7, the cited prior art fails to teach the servicing formula is a fair share formula, the fair share formula effecting servicing of each incoming job, which has been submitted by a requestor, based on the number of jobs the requester has submitted.

With respect to claim 10, the cited prior art fails to teach the servicing formula is altered on a scheduled basis.

With respect to claim 16, the cited prior art fails to teach the priority scheme is altered on a schedule basis.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B. Smithers whose telephone number is (571) 272-3876. The examiner can normally be reached on Monday-Friday (8:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on (571) 272-3865. The fax phone

Art Unit: 2137

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew B Smithers/
Primary Examiner, Art Unit 2137